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10/576,391	04/20/2006	David A. Bell	GB030194	2401
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,391

Applicant(s)

BELL ET AL.

Examiner

Munjal Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04/20/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/ISD)
Paper No(s)/Mail Date 04/20/2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1 & 19 are objected to because of the following informalities: Claim 1 - A method of accessing “concent” according to a location within a geographical area of a plurality of geographical areas. The word “concent” is miss-spelled; it should be “content”.
2. Claim 19 language “receiver “contant” is miss spelled, it should be receiver “content”, Appropriate correction is required.
3. Claim 17 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 17 does not refer back to a preceding claim in the alternative only or its dependent upon a prior multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim 17 is not been further treated on the merits.
4. Accordingly claims 18-22 are not been further treated on the merits due to dependency on claim 17.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-13, 15-17 are rejected under 35 U.S.C. 102(c) as being anticipated by Akins III et al. (US PGPUB # US 2003/0169879 A1 filed on March 3, 2003) herein after referred as Akins.

3. **Regarding claim 1**, Akins discloses a method and apparatus for geographically limiting service in a conditional access system which reads on a method for accessing content according to a location within a geographical area of a plurality of geographical areas, wherein the content is provided within the plurality of geographical areas (**Akins: Abstract & Fig 1,2& 3**), the method being independent of determining the location and comprising:

defining (104) a first geographical area (**Akins: Fig 5 & paragraph 0056 describes defining a first geographical area specifically lines [4-9]**);

determining (106) first data in relation to the first geographical area (**Akins: Fig 1 & paragraph 0056 describes determining first data in relation to the first geographical area specifically lines [6-9]**);

determining (108) second data in dependence on first data (**Akins: Fig 1:117, paragraph 0056 lines [10-15]**);

providing (ii) first data to a receiver (**Akins: Fig 3:315**);

sending (112) second data to locations within the first geographical area (**Akins: Fig 3:323**);

and, for the receiver at a location within the first geographical area:

accessing (114) first data (**Akins: Fig 3:315**);

receiving (120) second data (**Akins: Fig 3:323**);

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comparing (122) second data with first data (**Akins: Fig 3:343**);

and accessing (124) content in dependence on the results of the comparison (**Akins: Fig 3:347**).

4. Regarding claim 2, Akins discloses everything in claim 1 as above, further comprising, following the accessing step, storing (116) first data (**Akins: Paragraph 0057 lines [14-16]**).

5. Regarding claim 3, Akins discloses everything in claim 1 as above, wherein sending second data comprises broadcasting said data (**Akins: Fig 3:329, 319 & Paragraph 0056 lines [1-2] & paragraph 0083 lines [1-2]**).

6. Regarding claim 4, Akins discloses everything in claim 1 as above, wherein the first data comprises information associated with the definition of the first geographical area (**Akins: Paragraph 0056 lines [5-16] EMM 111**).and the second data comprises information associated with at least one location within the first geographical area (**Akins: Paragraph 0085 lines [6-8] ECM 323 which has service identification which intern is associated with one location within first geographical**).

7. Regarding claim 6, Akins discloses everything in claim 1 as above, wherein there is a correspondence between first data and second data (**Akins: Paragraph 0085 lines [6-8] describes ECM being authenticated by MSK 309 which is part of EMM**).

8. Regarding claim 7, Akins discloses everything in claim 1 as above, wherein the second data is encrypted prior to being sent (**Akins: paragraph 0083 lines [11-12]**) and decrypted after being received (**Akins: paragraph 0084 lines [1-3]**).

9. Regarding claim 8, Akins discloses a system (200) for accessing content at a location within a geographical area of a plurality of geographical areas, the system comprising:

- a server (202) operable to (**Akins: System used in Fig 1,3 & 5**);
 - define a first geographical area (**Akins: Fig 5 & paragraph 0056 describes defining a first geographical area specifically lines [4-9]**);
 - determine first data in relation to the first geographical area (**Akins: Fig 1 & paragraph 0056 describes determining first data in relation to the first geographical area specifically lines [6-9]**); and
 - determine second data in dependence on first data (**Akins: Fig 1:117, paragraph 0056 lines [10-15]**);
- means (204) to provide first data to a receiver (**Akins: Fig 3: 331 transmission medium**);
- a first network (206) operable to send second data to locations within the first geographical area (**Akins: Fig 3:323 network used**);
 - and a receiver (208) operable to:
 - access first data (**Akins: Fig 3:315**);
 - receive second data (**Akins: Fig 3:323**);
 - compare second data with first data (**Akins: Fig 3:343**);

- and access content in dependence on the results of the comparison (**Akins: Fig 3:347**).

10. Regarding claim 9, Akins discloses everything in claim 8 as above, wherein the first network comprises one or more data transmission nodes (230, 232, 234) (**Akins: paragraph 0053 lines [11-18] describes node structure**), each node operable to cover a respective geographical area (220, 222, 224) **It is well known in the art that in a node structure each nodes serves respective geographical area.**

11. Regarding claim 10, Akins discloses everything in claim 8 as above, wherein the first network is that used for terrestrial broadcast television services (**Akins: paragraph 0014 lines [4-5]**).

12. Regarding claim 11, Akins discloses everything in claim 8 as above, wherein the first network is that used for terrestrial broadcast radio services (**Akins: paragraph 0014 lines [4-5]**).

13. Regarding claim 15, Akins discloses everything in claim 8 as above, wherein the means to provide first data to a receiver comprises a second network (214) operable to send first data to the receiver (**Akins: paragraph 0017 lines [6-7] discloses authorization data and instance data are sent on same channel**).

14. Regarding claim 16, Akins discloses everything in claim 15 as above, wherein the second network is further operable to send content to the receiver (**Akins: paragraph**

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0017 lines [6-7] discloses authorization data and instance data are sent on same channel).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akins as applied to claim 14 above, and further in view of Kahn et al.(US Patent # US 7,369,660 B1 filed on May, 20, 2003) herein after referred as Kahn.

17. Regarding claim 14, Akins discloses everything in claim 8 as above, wherein the means to provide first data to a receiver comprises a Smart Card (212) containing the first data (**Akins: paragraph 0073 lines [23-31] describes EMMs can be send out of band i.e. on storage medium such as CD-ROM, DVD, Floppy or any other medium that can be transferred physically, electronically or otherwise**). However Akins fails to disclose specifically using Smart Card as a storage medium.

18. However examiner maintains that it was well known in the art to provide Smart card as a storage medium (**Kahn: Column 1 lines [36-39]**)

19. In a similar field of endeavor Kahn discloses method and apparatus for distributing digital content. In addition Kahn discloses Smart Card being used as storage medium.

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20. Therefore, it would have been obvious to one ordinary skill in the art at the time of invention was made to modify Akins by specifically providing "Smart Card" as a storage medium as taught by Kahn for the purpose of providing unique authorization key which will enable user to decode authorized content.

21. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akins as applied to claim above, and further in view of Sibecas et al (US Patent # 5,940,756 filed on Feb. 27, 1998) herein after referred as Sibecas.

22. Regarding claim 5, Akins discloses everything in claim 4 as above, however Akins fails to disclose first data comprises at least one GSM Cell ID and the second data comprises a GSM Cell ID matching a GSM Cell ID of the first data, however examiner maintains that it was well known in the art to provide GSM cell ID, as taught by Sibecas **(Fig. 16:1614-1622 & column 15 lines [35-43])**. In a similar field of endeavor Sibecas discloses method of transmitting paging communication on cellular communication system. In addition Sibecas discloses first data comprises at least one GSM Cell ID and the second data comprises a GSM Cell ID matching a GSM Cell ID of the first data.

23. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Akins by specifically providing first data comprises at least one GSM Cell ID and the second data comprises a GSM Cell ID matching a GSM Cell ID of the first data as taught by Sibecas, for the purpose of making it a unique authorization key.

24. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akins as applied to claims above, and further in view of Valentine et al (US Patent # US 6,223,045 B1 filed on Feb. 5, 1999) herein after referred as Valentine.

25. Regarding claim 12, Akins discloses everything in claim 8 as above, however Akins fails to disclose first network is that used for terrestrial mobile telephony services. However examiner maintains that it was well known in the art to provide terrestrial mobile telephony network (**Valentine: Abstract**) as first network as taught by Valentine.

26. In a similar field of endeavor Valentine discloses Satellite delivery of short message service (SMS) messages. In addition, Valentine discloses terrestrial mobile telephony as first network.

27. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify Akins by specifically providing terrestrial mobile telephony as first network for the purpose of increasing reliable delivery(Valentine: column 2 lines [20-24]) of SMS messages.

28. Regarding claim 13, Akins in further view of Valentine discloses everything in claim 12 as above, wherein the terrestrial mobile telephony data service is Cell Broadcast (**Valentine: Abstract discloses SMS messaging using satellite which is a Cell broadcast**). This claim is rejected for the same reason as claim 12.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Munjal Patel whose telephone number is (571)270-5541. The examiner can normally be reached on Monday - Friday 9:00 AM - 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Munjal Patel
Examiner
Art Unit 2617

/MP/

/Rafael Pérez-Gutiérrez/

Supervisory Patent Examiner, Art Unit 2617